

REMARKS/ARGUMENTS

Claims 1-7, 10-12, and 31-50 are pending. Non-method claims 13-30 were previously cancelled. New claims 31-50 are non-method claims.

Claims 1-3, 7, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Parrish et al. (US 5,117,350). Applicants respectfully traverse, but, in order to expedite prosecution, Applicants have amended certain claims.

Anticipation requires that the identical invention must be shown in a single reference in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

A prior art reference, in order to anticipate under 35 U.S.C. §102, must not only disclose all elements of the anticipated claim within the four corners of single document, but must also disclose those elements “arranged as in the claim”; this requirement, more accurately understood to mean “arranged or combined in the same way as in the claim,” applies to all types of claims and refers to a need for the anticipatory reference to show all limitations of claim arranged or combined in same manner recited in claim, not merely in particular order. *Net MoneyIN Inc. v. VeriSign Inc.*, 88 USPQ2d 1751 (Fed. Cir. 2008).

Applicants respectfully submit that the Parrish patent does not disclose all elements of amended claim 1 arranged or combined in the same way as in amended claim 1.

Amended claim 1 describes at a first cluster and a second cluster, allocating reserved resources to two or more depth levels, wherein the reserved resources form one or more reserved pools at each of the two or more depth levels (e.g., Specification, paragraphs 23-27 and 37; Figures 2A, 2B, and 8). Amended claim 1 describes, at the first cluster, upon receiving a request for allocation of resources from a process, determining a depth level from which to allocate resources by: determining whether the request is a remote request from the second cluster or a local request from the first cluster; and, in response to determining that the request is the remote request and that resources are being allocated from a first depth level to the process at the second cluster, determining that the depth level at the first cluster is a next depth level that is an increment from the first depth level at the second cluster, wherein each time the process issues a

request from one of the first cluster and the second cluster to another of the first cluster and the second cluster, the depth level is incremented; and attempting to allocate a reserved pool from the determined depth level at the first cluster (e.g., Specification, paragraphs 31, 36, and 38; Figures 5 and 7-8).

For example, Applicants' Specification, paragraph 36 and Figure 7 describe:

[0036] FIG. 7 illustrates a flow of processing between two clusters in accordance with certain implementations. The resource manager 118a at cluster0 115a allocates local TCBs from a depth level1 pool to a super process and requests processing on cluster1 115b. The resource manager 118b at cluster 1 115b receives the request for processing from cluster0 115a, allocates local TCBs from a depth level2 pool for the super process, and requests processing on cluster0 for a sub-process. The resource manager 118a at cluster0 115a receives the request for processing from cluster1 115b, allocates local TCBs from a depth level3 pool to the sub-process, enables the sub-process to perform processing, and releases TCBs from the depth level3 pool. The resource manager 118b at cluster1 115b enables the super process to perform processing and releases TCBs from the depth level2 pool. Then, the resource manager 118a at cluster0 115a allows the super process to perform processing and releases TCBs from the depth level1 pool. [Emphasis added.]

On the other hand, the Parrish patent describes a three-tiered address space that includes a local address space which is directly accessible by the functional unit(s) connected to the local bus in a single node and system address space which is a higher level address linking the local address spaces in several nodes (Col. 8, lines 56-57). The Parrish patent also describes that remote memory addresses must reside outside of the range of any local or private memory space (Col. 9, lines 50-52).

However, the Parrish patent does not anticipate, at the first cluster, upon receiving a request for allocation of resources from a process, determining a depth level from which to allocate resources by: determining whether the request is a remote request from the second cluster or a local request from the first cluster; and, in response to determining that the request is the remote request and that resources are being allocated from a first depth level to the process at the second cluster, determining that the depth level at the first cluster is a next depth level that is

an increment from the first depth level at the second cluster, wherein each time the process issues a request from one of the first cluster and the second cluster to another of the first cluster and the second cluster, the depth level is incremented; and attempting to allocate a reserved pool from the determined depth level at the first cluster.

Thus, amended claim 1 is not anticipated by the Leong patent application.

Dependent claims 2-3, 7, and 10 each incorporate the language of independent claim 1 and add additional novel elements. Therefore, dependent claims 2-3, 7, and 10 are not anticipated by the Leong patent application for at least the same reasons as were discussed with respect to claim 1.

In addition, amended claim 7 describes determining that the request is the local request and that a reserved pool at the determined depth level has been allocated to the process at the first cluster; and allocating a resource from the reserved pool at the first cluster (e.g., Specification, paragraph 33). The Parrish patent describes local address space, but the Parrish patent does not anticipate determining that the request is the local request and that a reserved pool at a particular depth level has been allocated to the process at the first cluster; and allocating a resource from the reserved pool at the first cluster.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parrish et al. (US 5,117,350) in view of Singh et al. (US 6,625,159). Applicants respectfully traverse.

The Singh patent does not cure the defects of the Parrish patent with reference to claim 1. Thus, Applicants respectfully submit that amended claim 1 is not taught or suggested by the Parrish and Singh patents, either alone or in combination. Dependent claim 4 is not taught or suggested by the Parrish and Singh patents, either alone or in combination, at least by its dependency on claim 1.

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parrish et al. (US 5,117,350) in view of Singh et al. (US 6,625,159) and further in view of Leong et al. (US 2003/0182503). Applicants respectfully traverse.

The Leong patent application does not cure the defects of the Parrish and Singh patents with reference to claim 1. Thus, Applicants respectfully submit that amended claim 1 is not taught or suggested by the Parrish, Singh, and Leong references, either alone or in combination.

Dependent claims 5 and 12 are not taught or suggested by the Parrish, Singh, and Leong references, either alone or in combination, at least by its dependency on claim 1.

Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parrish et al. (US 5,117,350) in view of Leong et al. (US 2003/0182503). Applicants respectfully traverse.

The Leong patent application does not cure the defects of the Parrish patent with reference to claim 1. Thus, Applicants respectfully submit that amended claim 1 is not taught or suggested by the Parrish and Leong references, either alone or in combination. Dependent claims 6 and 11 are not taught or suggested by the Parrish and Leong references, either alone or in combination, at least by its dependency on claim 1.

Applicants respectfully submit that new claims 31-50 are also patentable over the cited art.

Conclusion

For all the above reasons, Applicants submit that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 09-0449.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

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